

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: March 24, 2006

Opposition No. **91165595**

Lionel, LLC

v.

Albert C. Ruocchio

Andrew P. Baxley, Interlocutory Attorney:

Due to a clerical error by the Patent and Trademark Office, Trademark Registration No. 3067418 (application Serial No. 78342371), for the mark NEW YORK CENTRAL, was inadvertently issued on March 14, 2006. The registration issued inadvertently after the notice of opposition that resulted in the institution of this proceeding was timely filed with the Board. Accordingly, the above-identified application will be forwarded to the Office of the Commissioner for Trademarks for appropriate action.

The parties are advised, however, that the opposition proceeding will go forward in the usual manner and in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations.

Answer was due in this case on August 1, 2005. See Trademark Rule 2.197. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend

its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

Proceedings herein are otherwise suspended retroactive to August 1, 2005.